

This environmental regulatory alert is provided for your information from the Department of Commerce Environmental Manager. This alert provides information about a change in environmental law or regulation that may impact your operations.

ENVIRONMENTAL ALERT #2005-0004 Underground Storage Tank Requirements in the Energy Policy Act of 2005

General: The [Energy Policy Act of 2005](#) was signed into law on August 8, 2005. Subtitle B of Title XV of the Energy Policy Act of 2005 establishes the Underground Storage Tank Compliance Act of 2005 (USTCA) which substantially changes the existing UST program for the Environmental Protection Agency (EPA) and the States. The following are the changes that will impact the Department and operating units that own or operate an UST:

1. By August 8, 2006, the Department must provide to the EPA, the Committee on Energy and Commerce of the United States House of Representatives, and the Committee on the Environment and Public Works of the Senate a compliance strategy report that:
 - a. lists the location and owner of each UST;
 - b. lists all USTs that are not in compliance;
 - c. specifies the date of the last inspection of each UST performed by a State or Federal inspector;
 - d. lists each violation respecting any UST;
 - e. describes the training provided to the operator and other persons having primary daily on-site management responsibility for each UST; and
 - f. describes the actions that have been and will be taken to ensure compliance for each UST that is out-of-compliance.
2. States will be seeking updates on this report in order to provide EPA an updated compliance strategy report by August 8, 2009.
3. By August 8, 2007, Federal or State inspectors will inspect all USTs that have not been inspected since 1998.
4. After August 8, 2007, Federal or State inspectors must inspect all USTs at least once every three years.
5. New or replacement USTs installed within 1000 feet of a potable well or community water system must have secondary containment and be monitored for leaks.

6. By August 8, 2006, the EPA will issue guidance that prohibits the delivery of product to any tank determined to be ineligible for delivery.

7. By August 8, 2007, the EPA will issue guidance on training requirements for UST operators.

Additional Information: If you have any questions or concerns about this alert, please contact the Department Environmental Manager, Peter Wixted, at (202) 482-3444, or via e-mail pwixted@doc.gov.